

all hours she worked. She alleges, that Defendant failed and refused to pay her overtime pay for overtime worked and failed and refused to pay her straight time for all hours worked.

4. Defendant's practices are in direct violation of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201, *et seq.* and Missouri state law §290.505 Ms. Weng seeks overtime premiums for all overtime work required, suffered, or permitted by Defendant; straight time wages for all hours worked and not compensated; liquidated and/or other damages as permitted by applicable law; and attorney's fees, costs, and expenses incurred in this action.

5. Defendant through Ms. Weng's supervisor, Mr. Gilbert Gallardo (hereinafter, "Mr. Gallardo") forced her to work "off the clock" over forty hours in given workweeks and thereby to willfully fail and refuse to pay overtime compensation due and owing to Ms. Weng in violation of the FLSA and the Missouri Overtime Law, and to willfully fail to compensate Ms. Weng for all hours worked while employed by Defendant.

6. Defendant has instituted and carried out an unlawful policy and practice of refusing to pay, Ms. Weng for all time worked and refusing to pay her overtime for all hours worked in any given work week over forty, notwithstanding that she is a non-exempt employee is entitled to overtime pay under the FLSA and Missouri state law.

7. From July 1, 2019 through May30, 2020 Ms. Weng worked overtime hours without proper compensation.

PARTIES

8. Ms. Weng is a resident of Chicago, Cook County, Illinois.

9. Defendant employed Ms. Weng from July 1, 2019 until May 30, 2020.

10. At all relevant times, Ms. Weng was an employee of Defendant for FLSA and Missouri Overtime Law purposes.

11. Defendant The Washington University in Saint Louis is an educational institution corporation organized and chartered under the laws of the State of Missouri with its primary place of business located in Saint Louis, Missouri and may be served through its registered agent at One Brookings Drive Campus Box 1058 St. Louis Missouri 63130.

12. Defendant is subject to, and a covered employer under, the Missouri wage laws, RSMo §290.500, et. seq. Further stating, at all times relevant Defendant has been and continues to be an “employer” within the meaning of the Missouri wage laws, RSMo §290.500(4). At all relevant times, Defendant has employed, and/or continues to employ, “employee[s],” including Ms. Weng, within the meaning of the Missouri wage laws, RSMo §290.500(3).

13. Defendant is a covered employer under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §201 et seq. Further Defendant employs more than seven individuals and grosses annual revenue in excess of \$500,000.00

JURISDICTION AND VENUE

14. This Court has original federal question jurisdiction pursuant to 28 U.S.C. § 1311 because this case is brought under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*

15. The Eastern District of Missouri, Eastern Division, has personal jurisdiction over Defendant because it is doing business in Missouri and in this judicial District.

16. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to this claim occurred in this District.

FACTUAL BACKGROUND

17. Ms. Weng worked for Defendant from July 1, 2019 until May 30, 2020 in the position of Research Technologist. Defendant paid her an hourly rate of \$14.00.

18. Ms. Weng's supervisor, Mr. Gallardo required her to work after work hours and on weekends, but forbade her from claiming such hours over forty in such given workweeks on her timesheets or report such work hours she actually worked to Defendant.

19. As a result, Ms. Weng routinely worked more than forty (40) hours in a given work week.

20. Defendant failed to pay Ms. Weng one- and one-half times her regular rate (overtime compensation) for each hour she worked over forty (40) in certain workweeks.

21. As a worker paid by the hour, Ms. Weng was not exempt from overtime and entitled to overtime premium compensation for all hours over forty she worked in any given workweek.

22. Defendant required Ms. Weng to perform work "off the clock."

COUNT I

VIOLATION OF THE FAIR LABOR STANDARDS ACT

23. Ms. Weng, re-alleges and incorporates herein the allegations contained in Paragraphs 1 through 22 as if they were set forth fully herein.

24. Upon information and belief, at all relevant times, Defendant has been, and continues to be, an "employer" engaged in the interstate "commerce" and/or in the production of "goods" for "commerce" within the meaning of the FLSA, 29 U.S.C. § 203.

25. Upon information and belief, at all relevant times, Defendant has employed and/or continue to employ "employee[s]," including Ms. Weng.

26. Upon information and belief, at all relevant times, Defendant has had gross operating revenues in excess of \$500,000.00 (Five Hundred Thousand Dollars).

27. The FLSA requires each covered employer, such as Defendant, to compensate all non-exempt employees for all hours worked at an hourly rate and compensate all non-exempt employees at a rate of not less than one and one-half her regular rate of pay for work performed in excess of forty hours in a work week.

28. Ms. Weng is not exempt from the right to receive overtime pay or to be paid for all hours worked under the FLSA. Ms. Weng is entitled to be paid compensation for all hours worked and are entitled to be paid overtime compensation for all overtime hours worked.

29. As a result of Defendant's failure to compensate Ms. Weng for all hours worked and to compensate her at a rate of not less than one and one-half times the regular rate of pay for all work performed in excess of forty hours in a work week, Defendant violated, the FLSA, including 29 U.S.C. § 207(a)(1) and § 206(a).

30. The foregoing conduct, as alleged, constitutes a willful violation of the FLSA within the meaning of 29 U.S.C. § 255(a). Defendant at all relevant times acted in bad faith within the meaning of 29. U.S.C. §§216, 260.

31. Ms. Weng is entitled to receive her unpaid overtime compensation and liquidated damages incurred in the last three years, and her reasonable attorneys' fees and expenses.

COUNT II

VIOLATION OF THE MISSOURI WAGE LAWS §290.500, ET. SEQ.

32. Ms. Weng, re-alleges and incorporates herein the allegations contained in Paragraphs 1 through 31 as if they were set forth fully herein.

33. Defendant required Ms. Weng to "work off-the-clock" in many given workweeks.

34. Defendant required Ms. Weng to work over forty hours in many given workweeks and did not allow her to record such time or upon information and belief Ms. Weng's supervisor

Mr. Gallardo altered her time entries to reflect that she did not in fact work hours over forth in certain workweeks.

35. This practice sanctioned by Defendant is in violation of RSMo §290.505.

36. Since Defendant failed to properly compensate Ms. Weng for overtime compensation as required by law, she is entitled under the Missouri wage laws to bring this civil action under RSMo §290.527, she is also entitled to all overtime compensation due her at an appropriate rate of pay for all overtime hours worked (one-and-a-half times her regular rate) worked, liquidated damages, and her reasonable attorneys' fees and expenses pursuant to RSMo §§290.505, 290.527.

PRAYER FOR RELIEF

WSHEREFORE, Ms. Weng prays for relief as follows:

1. An award of money damages for unpaid overtime wages, including liquidated damages and penalties in an exact amount to be determined at trial;
2. Pre-Judgment interest, as provided by law;
3. Award her costs and expenses of her action incurred herein, including reasonable attorneys' fees, litigation expenses, court costs, and expert fees; and
4. Any and all such other and further legal and equitable relief as the Court deems necessary, just and proper.

DEMAND FOR JURY TRIAL

Ms. Weng demands a jury trial on all causes of action and claims with respect to which she has a right to jury trial.

Dated: June 30, 2022

Respectfully submitted,

/s/ Edward J. Rolwes

Edward J. Rolwes, MO Bar No. 51522

Alan G. Crone, MO Bar No. 73285

(Admission application pending)

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DECLARATION AND VERIFICATION

I, Anthea Weng, verify and declare under penalty of perjury that the facts stated in the foregoing Verified Complaint for Violation of the Fair Labor Standards Act and Missouri Overtime Laws are to the best of my knowledge and belief true, and that this Complaint is not made out of levity or by collusion with the Defendant, but in sincerity and truth for the causes mentioned in the Complaint.



Anthea Weng

Date: 06 / 27 / 2022



Audit Trail

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